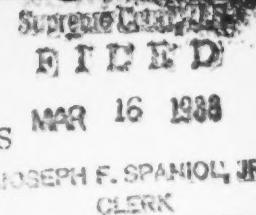


37-17490
IN THE SUPREME COURT OF THE UNITED STATES



OCT. 87 III TERM, 1987

No. _____

WILLIE HAMPTON, JR.

Appellant, Pro-Se

vs

THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA

and

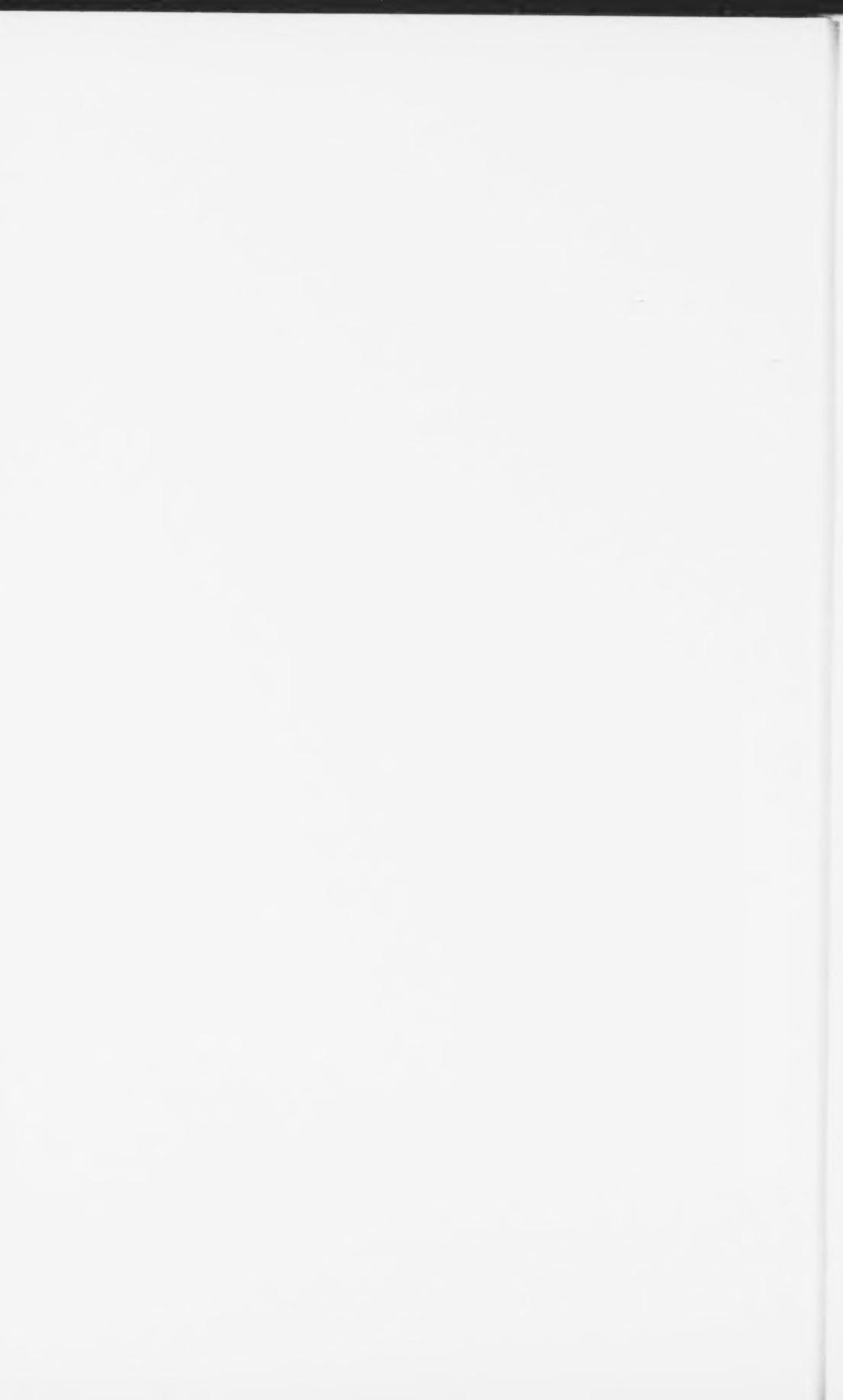
THE UNITED STATES OF AMERICA, et al.

Appellee

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS FOR THE 9TH CIRCUIT:

Appellant Willie Hampton, Jr. respectfully prays
that a Writ of Certiorari be issued to review the judgement
of the United States Court of Appeals for the 9th Circuit
entered on February 1, 1988.



QUESTIONS PRESENTED

When a person pleads guilty under Federal Rule 11, to an unrelated charge, what real or personal property would be subjected to criminal forfeiture?



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Prayer	IV
Opinions	V



TABLE OF CASES

Santobello vs. New York, 404 U.S. 257, 260, 92 S.Ct. 495, 498.

Workman vs. Mitchell, 502 F 2d. 1209 (9th Cir. 1974).

Miller vs. Ackerman, 488 F 2d. 920 (8th Cir. 1973).

Burnett vs. Tolson, 474 F 2d.

Murray vs. Bond, 300 F Supp. 688, 696, 697 (D.R.I. 1969)



IN THE SUPREME COURT OF THE UNITED STATES

87TH TERM, 1988

No. _____

WILLIE HAMPTON, JR

Appellant, Pro-Se

vs.

THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA

and

THE UNITED STATES OF AMERICA, et al.

Appellee

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS FOR THE 9TH CIRCUIT:

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that a Writ of Certiorari be issued to review the judgement
of the United States Court of Appeals for the 9th Circuit
entered on February 1, 1988.



MEMORANDUM CLERK

I certify that the judges concerned concur in this order. Please file it.

United States Circuit Judge

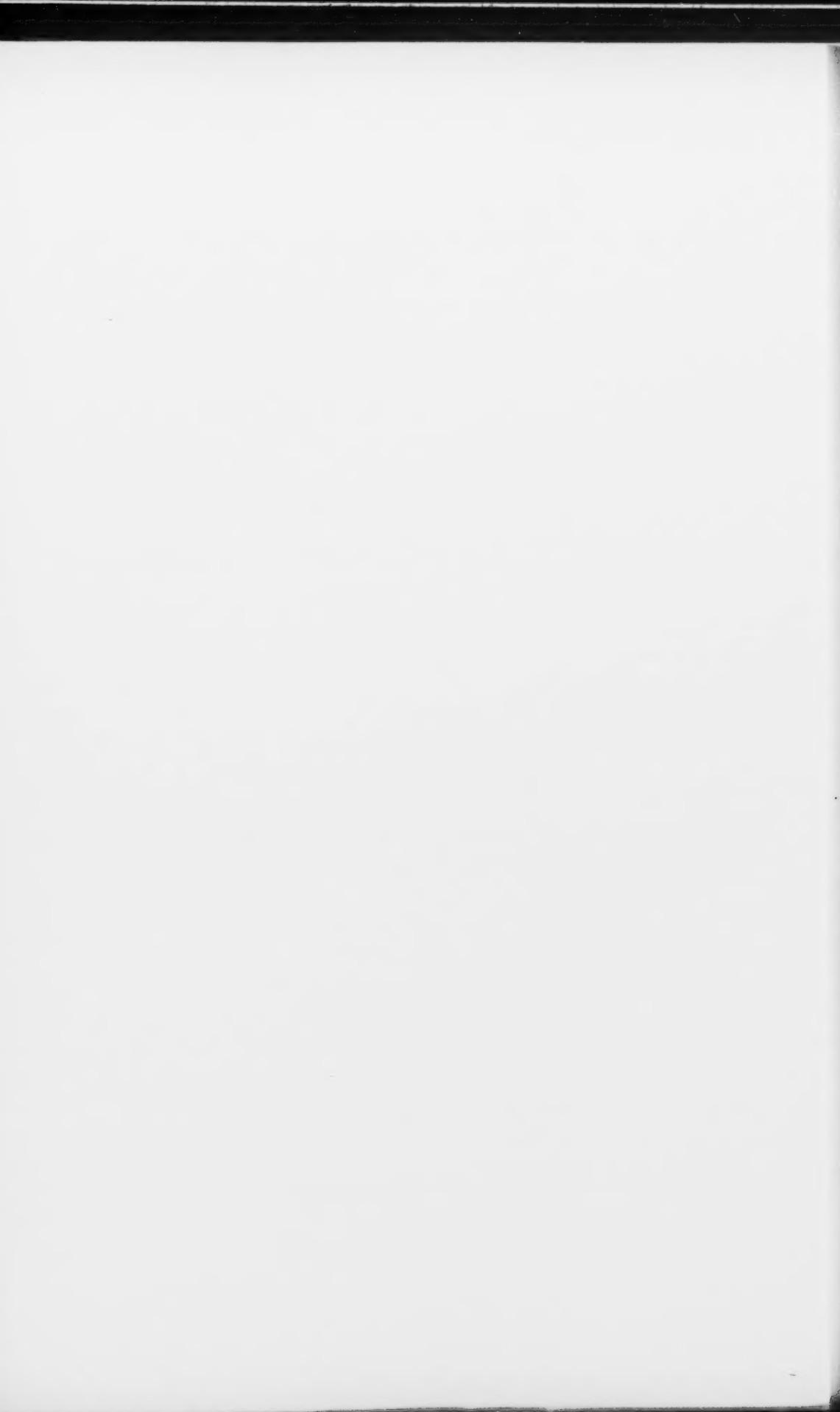
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

WILLIAM HAMPTON, JR.,	)	No. 88-7029
Petitioner,	)	Northern
	)	California
vs.)	
UNITED STATES MAGISTRATE FOR THE	)	ORDER
NORTHERN DISTRICT OF CALIFORNIA,)	
Respondent,)	
UNITED STATES OF AMERICA,)	
Real Party in Interest.)	
)	

Before: TANG, FLETCHER and POOLE, Circuit Judges

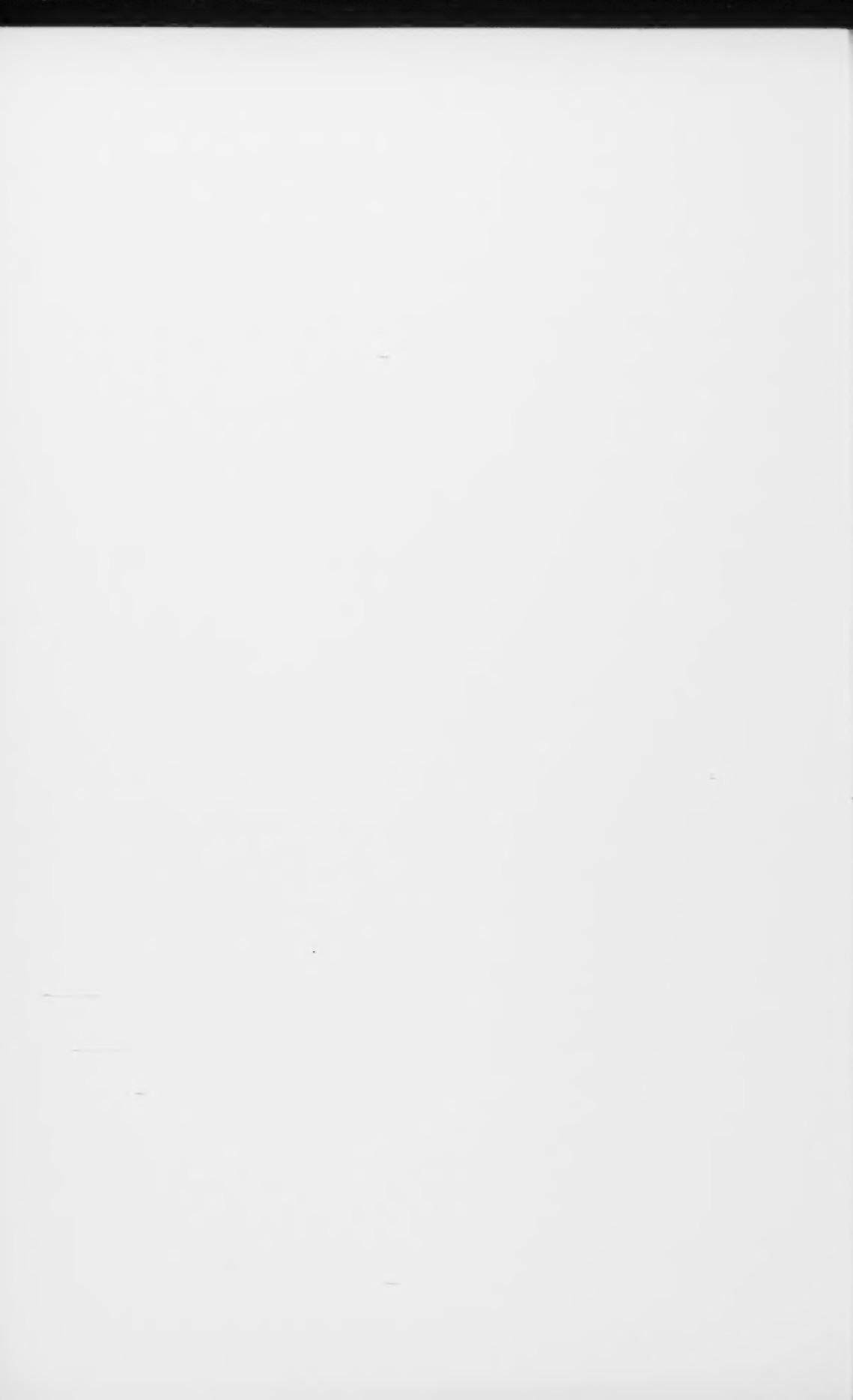
The petition for a writ of prohibition and order to show cause is DENIED.

CR CAL 1/28/88



ORDER

The Petition for a Writ of Prohibition and Order
to Show Cause is denied. A copy of the Order is attached
as Appendix A.



JURISDICTION

On February 1, 1988, the Court of Appeals entered a judgement denying the Appellant's motion for a Petition for a Writ of Prohibition and Order to Show Cause. The jurisdiction of this Court is invoked under Title 28 U.S.C. 1361. Further jurisdiction of this Court is invoked under Title 28 U.S.C. 1651. Jurisdiction is invoked under Title 28 U.S.C. 1345, 1355, 1356, 1359, and Title 21 U.S.C. Section 881 (A), along with Federal Rules 6, 7, 11 and appellant Federal Rule 17.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, amendment V.
(Nor shall any person ... be deprived of life, liberty, or property, without due process of law...)

STATEMENT OF THE CASE

On May 9, 1986, the United States grand jury rendered an indictment charging Appellant Willie Hampton, Jr. and James Rayford of two counts in violation of Title



21 U.S.C. Section 841(A)(1) and Section 846, charging Appellant with distribution of, and possession with intent to distribute cocaine; and conspiracy to distribute cocaine. On or about June 12, 1986, a Superseding Indictment was rendered charging Appellant Willie Hampton, Jr. and his Co-Defendant James Rayford with a three-count indictment under Title 21 U.S.C. Section 841(A)(1) -- Distribution Of, and Possession with Intent to Distribute Cocaine; Title 21 U.S.C. Section 846 -- Conspiracy to Distribute Cocaine; Title 18 U.S.C., Appendix 2, Section 1202(A)(1) -- Felon in Possession of a Firearm. In this indictment, Appellant was never arraigned before a United States Magistrate or a Federal judge. Prior to entering his plea of guilty to the first count of the original indictment in the criminal action rendered May 9, 1986.¹

STATEMENT OF CASE

On December 5, 1986, at the sentencing proceeding, Appellant Willie Hampton, Jr. sought to withdraw his

¹No other petitioner is involved in this Petition.



plea of guilty based on the fact that at the time, or prior to, the Appellant entering his plea of guilty, the former defense counsel never advised the Appellant that the Court could impose upon him any fines, or that Appellant was subject to criminal forfeiture of any real or personal property. The Court, however, denied appellant's request to withdraw his guilty plea. The Court instructed the Plaintiff to these criminal proceedings to take their proof and test under Title 21 U.S.C. 881(A) and Federal Rules 6 and 7, relating to criminal forfeiture.

On June 6, 1987, the United States Attorney, the United States Customs and the United States Drug Enforcement filed three Les Pendens against three properties that Appellant had previously owned.²

STATEMENT OF CASE

During the month of November, Appellant in a Pro Se motion, filed with the United States District Court,

²In addition, in 1987, in two separate actions filed against Appellant, the government filed two civil actions attacking the fourth piece of property, a single family dwelling, along with attacking the ownership of over \$220,000 in United States Currency.



Northern District of California, a motion claiming one of the property in the above mention Civil action.

On or about January 5, 1988, Appellant filed before the United States District Court, Northern District of California, a motion to dismiss the Les Pendens, along with seeking as an emergency A Petition For Temporary Restraining Order in the captioned case, Willie Hampton, Jr. vs. The United States of America, et al.

On January 25, 1988, Appellant moved the United States Court of Appeals for the 9th circuit, San Francisco, California, for a Writ of Prohibition and Order to Show Cause against the Honorable United States Magistrate, Northern District of California, San Francisco, California, to show cause why these proceedings had continued without any formal notice of a hearing or otherwise addressing the issue of lack of the Court's jurisdiction.

On February 1, 1988, Appellant had entered against him a judgment by the United States Court of Appeals 9th Circuit a denial of the Appellant's writ of prohibition and order to show cause.

On February 8, 1988, Appellant, in a timely manner, filed a notice of appeal with the United States Court of Appeals 9th Circuit to the United States Supreme Court.



REASONS FOR GRANTING THE WRIT

Where a Federal court refuses to enter a timely ruling on a constitutional issue of jurisdiction of the court over any legal proceeding pending before it would "due process of law demand, that the appellant court order the lower court to show cause why a ruling on the merits of jurisdiction had not been rendered prior to proceeding with the civil action pending before the court.

Federal Rule 7(2) under Subtitle -- Criminal Forfeiture, states

"No judgement of forfeiture may be entered in a criminal proceeding unless the indictment or information shall allege the extent of the interest or property subject to forfeiture."

The basic language of Federal Rule 7 under Subtitle 2 clearly states no judgement of forfeiture may be entered in a criminal proceeding unless the indictment or information shall allege the extent of the interest or property subject to forfeiture. Therefore, the U.S. District Court, Northern District of California, erred in granting the Plaintiff, The United States of America, a complaint seizing any of the property that they assumed, Appellant had real interest in, because the indictments failed



to meet the requirements of Rule 7(2).

Moreover, the lower court and the appellate court erred when they did not enter any ruling on appellant's constitutional claim that the United States District Court, Northern California, San Francisco, California was without jurisdiction to proceed with any of these civil actions against Appellant. Or any money that was confiscated from any of the properties, that was subject to the illegal search by the Oakland Police Department which was the basis for the alleged criminal proceeding which led to the civil actions being filed against Appellant. Nowhere in the pre-trial criminal proceeding was there any specific property described by way of a judgement or otherwise and required by federal Rule 7 at Subtitle 2, that would afford the Appellant his constitutional right under "Due Process of Law", clause under the fifth Amendment to the United States Constitution that set forth the property subject to forfeiture.

See Appellant Appendix B and C.

Therefore, after several months upon the completion of the criminal proceeding, these civil matters arose. The Court and the Plaintiff were without legal standing or jurisdiction to attack any properties or money alleged



from the original criminal proceeding.

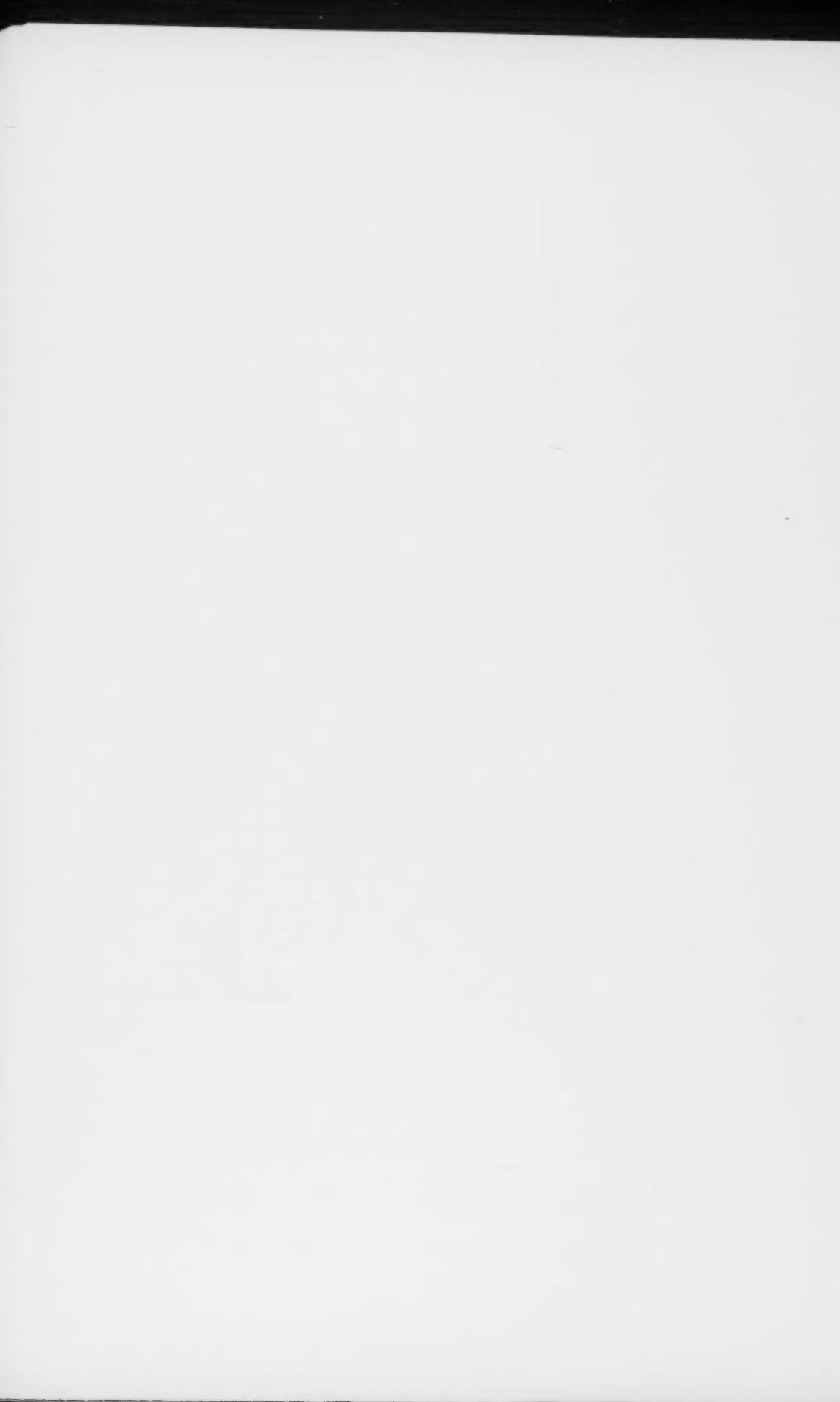
It could be argued that the Plaintiff, the United States of America, at the time Appellant was sentenced briefly set forth, haphazardly several properties that could be interpreted that were subject to criminal forfeiture. Starting at page 13, line 9, of the Sentencing Transcript:

"Your Honor, we seized from the Defendant's residence on High Street over \$210,000 in cash. The government has already administratively seized-- excuse me -- and I believe forfeited the '57 chevy or the '57 T-Bird and the '55 T-Bird.

Contrary to what the Defendant said, it's the government's position that he owns, if not total interest, at least half interest in the Monticello address, the High street address and the Fullerton address and the government believes that he owns all three outright. I believe that those were the major seizures.
THE COURT: What you believe and what is fact are completely different."

A copy of the Sentencing Transcript is attached as Appendix D.

The government, while it may legally be argued, claimed automobiles and U.S. currency in the alleged amount of approximately \$210,000, could it possibly be interpreted as subject to criminal forfeiture, because



on the record it states the government administratively seized one or two of the automobiles and cash.

Furthermore, if there was a judgement rendered prior to the completion of the criminal proceedings describing specifically what properties had been seized or what property was subject to be seized, the Court, accepting the guilty plea and the record being as clear as it is, there was never any doubt that the only property subject to seizure would have only been the car and the approximate \$210,000, in U.S. currency. However, the Appellant argued that the only real or personal property that the Plaintiff could have legally attached under Federal Rule 7(2) was an automobile. Insofar as in a hand-written statement, as required by the U.S. District Court, Northern District of California, San Francisco, California, under their local procedure, Appellant wrote at paragraph 5, second page, of an application for permission to enter a plea of guilty and order accepting the plea, as set forth in Appellant's Exhibit E, it clearly states at number 5.

"I know that the Court must be satisfied that there is a factual basis for a plea of guilty before my plea can be accepted. I represent to the Court that



I did the following acts in connection with the charge made against me in Court One (1).

I admit to possession with the intent to distribute cocaine. The cocaine I had possession was the cocaine in the trunk of a car."

Under Federal Rule 6, (and 7) at subtitle (2), the two forementioned Rules that ultimately give the government the right to seek a judgement of criminal forfeiture of an accused's property in relationship with any crime against the United States of America. Rule 6 states an indictment must give an accurate account of the criminal act pending related to the property involved, that is subject to criminal forfeiture.

Nowhere in either the original indictment, nor the Superseding Indictment, nor the initial Oakland Police Report does it state Appellant was found with drugs in any car or possession of any automobile.

More importantly, the Court accepted on the record a plea of guilty by Appellant to a crime he was never indicted for which was totally unrelated, to the crimes charged in the indictment. Which violated Federal Rule 11 governing guilty plea. Therefore, it is argued by the Appellant that the government could not have brought criminal forfeiture against any of the real property, nor the U.S. currency because Appellant pled to a charge



other than the charges mentioned in the original indictment or the superseding indictment. A copy of both federal indictments are annexed hereto and made a part hereof. Therefore, when the Federal Court: (1) in the U.S. District Court, Northern District of California, San Francisco, California did not order, or failed to order the response to show cause under what procedure or legal ground they have brought these legal acts against the Appellant. It violated the Appellant's constitutional right under the due process clauses of the United States Constitution; and (2) when the Appellate Court denied Appellant's request to issue a show cause order to the lower court or to review the action against Appellant, it violated the Appellant's constitutional right under the due process clause of the United States of America, which not only does the due process laws the United States Constitution cover criminal proceedings, it also covers civil proceedings as well.

It constitutionally appears that Appellant has been denied his constitutional right to be equally protected at law, as well as not to be deprived of life, liberty or property, without due process of law. Constitutional



rights under Fifth and Fourteenth Amendments to the United States Constitution thereof.

There is no way that any of the Plaintiffs nor the court can legally justify not entering a ruling on whether the government had conformed to the guidelines as set forth under Federal Rules 6 and 7 (2). More importantly, under the language of Rules 6 and 7, the structure of these Federal Rules and the language does not set forth what a citizen of these United States will be subject to criminal forfeiture, if one enters a plea to a charge other than that of what he had been legally indicted for. Under normal circumstances, a person may enter a plea of guilty to a lesser charge when this is set forth on the records, under Rule 11 either in writing or verbally, and is agreed upon by all parties. In this case, the only agreement entered by Appellant and the government pertaining to his plea of guilty to the first count of the original indictment was that he would receive no more than ten years in prison, and at the time of sentencing, the government would move to dismiss the superseding indictment. Moreover, Constitutionality one cannot be subject to criminal forfeiture, when the



plea accepted by the court is invalid. The language of Federal Rule 11 does not allow for an alpha plea be entered in a criminal proceeding under Federal Rule 11.

— For some unknown reason, given the facts that Appellant suffers from some type of post-war syndrome (from Vietnam), the Appellant wrote what he thought he was indicted for, which was being caught with drugs in an automobile. Therefore, the indictment nor the superseding indictment did not set forth any charges relating to drugs of any type being found in an automobile, the plea became totally invalid, which ultimately means where there is no conviction there can be no criminal forfeiture.

Further, Appellant argues that when and if an error such as this has occurred, the original incictment becomes void, and if the original indictment becomes void, the superseding indictment becomes void as well. Therefore, — it constitutionally appears, under the circumstances, that the Court will be compelled to enter a ruling on the merits of whether a Writ of Prohibition should be entered, or review of the civil actions then pending against the Appellant.

When there is no valid crime, there can be no valid



criminal forfeiture. In the leading case of Santobello vs. New York, 404 U.S. 257, 260, 92 S. Ct. 495, 498, the court said,

"The disposition of criminal charges by a grievant between prosecutor and accused, sometimes usually called plea bargaining, is an initial compulsion of administration of justice. Properly administrated, it is to be encouraged."

Therefore, taking into account of Santobello in its entirety, the lower court erred when it granted the government the right to proceed with criminal forfeiture knowing that it violated the plea bargain if the plea bargain had been legitimate in the first instance.

The Appellant Court erred when failing to order the lower court to show cause why this matter was not dismissed, or why no ruling had been rendered under Rule 12 for lack of jurisdiction. The government, former defense counsel for Appellant, and the Court erred by allowing a black Vietnam veteran to enter a plea, to a charge he was not indicted for, a charge that never existed, and where there is no legal charge under an indictment, there can never be a criminal forfeiture. Not as long as we have a United States Constitution.

Under Title 28 U.S.C. 1361, the Mandamus Act provides

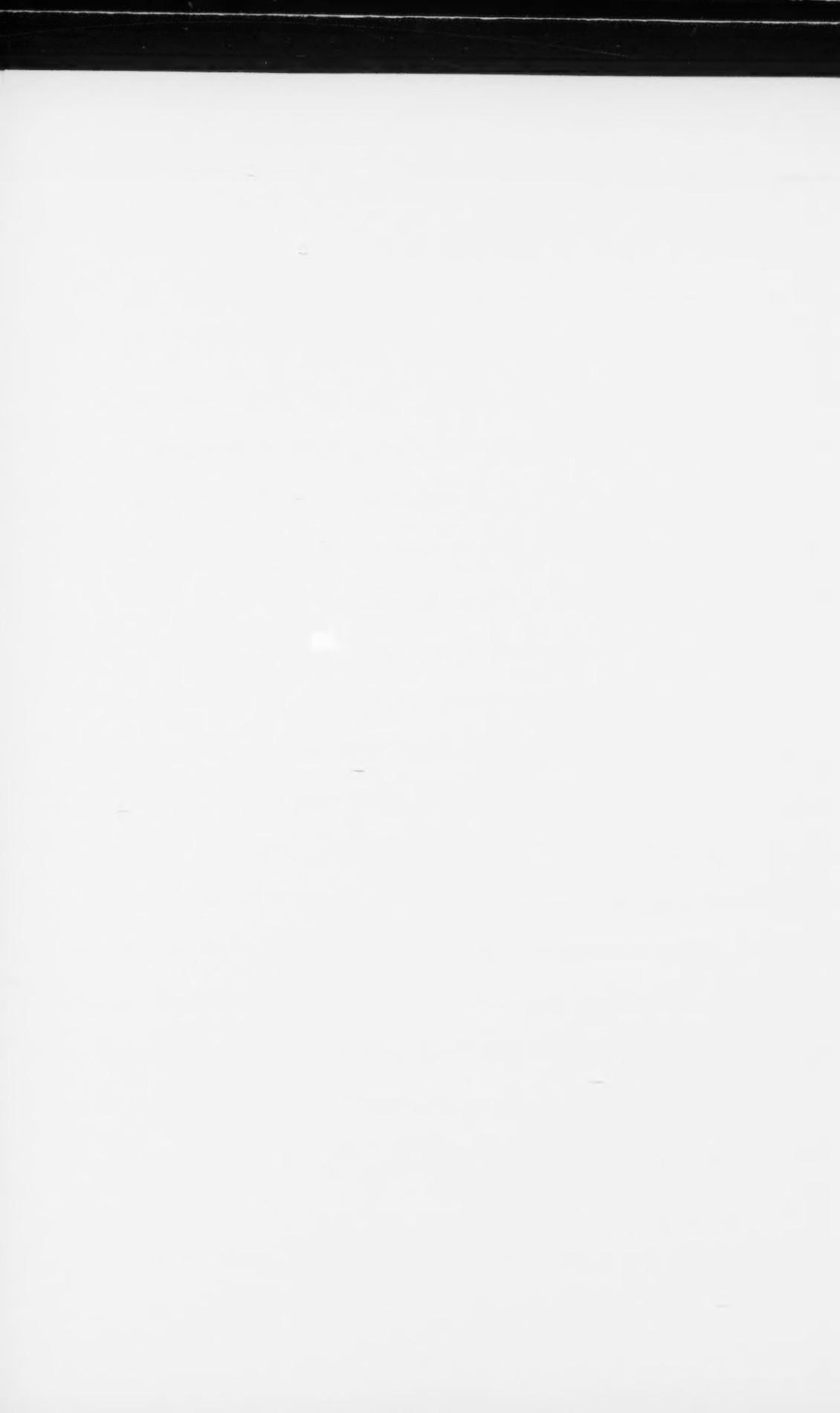


that the District Court shall have original jurisdiction of any action in the nature of mandamus to compel an officer of the United States or any agency thereof to perform constitutional or statutory duties owed to a plaintiff or defendant. Further, a mandamus action or prohibition action must be brought against a Federal official in order to fall within Title 28 U.S.C. 1361. Appellant Willie Hampton, Jr. fell and falls within the legal guidelines of Title 28 U.S.C. 1361 as indicated in Workman vs. Mitchell, 502 F.2d 1209 (9th Cir. 1974). Miller vs. Ackerman, 488 F2d 920 (8th Cir. 1973), while contrary to a clear duty, Burnett vs. Tolson, 474 F2d. The court held in Murray vs. Bond, 300 F Supp. 688, 696, 697 (D.R.I. 1969):

"Unquestionably mandamus will not compel an officer to do a discretionary act. Yet, the pidoal equally must be discretion for that discretion in circumscribed by constitutional, statutory, and regulatory structure. It has been suggested by specially qualified commentators that any act of a Federal officer which exceeds his statutory or regulatory function, and which must be remedied by affirmative action, should be reviewable on the vasis of a statutory mandamus jurisdiction.... It should be the approach of this court to examine the actions of the defendant to determine whether they transgressed plaintiff's rights under the Constitution. If they did so, then mandamus will be issued to them...."



Surely, one would have to constitutionally assume that where a person has pled to a crime that did not exist, nor never did exist, with all parties involved from the very first day of allowing any citizen of this country to plead to some crime that the system was never indicted for, nor had any Federal information brought against him, but he agreed to plead to, detailing the crime he pled to with no mention of an alpha plea being entered on the record, with the court assuming that the Appellant understand he was entering a plea to Count 1 of the original indictment, with the Appellant pleading guilty to being found with drugs (cocaine in an automobile, which did not exist) with the indictment never mentioning any real property subject to forfeiture other than the alleged guns and the sum of over \$200,000 found in a house, that Appellant did not own, who happened to arrive at this residence one hour and thirty minutes after the initial search by Oakland City Police Department had occurred. Due to the constitutional fact that under the language of Federal Rule 7(2), a indictment, must allege an extent real properties or personal property subject to criminal fortiture. which was never done. Surely, the government was acting beyond their legal



authority.

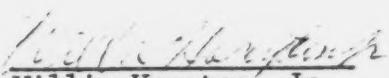
Moreover, a writ of prohibition should have been issued or a writ of mandamus should have been issued ordering the lower court to show cause why a ruling on the constitutional merits was not rendered in a timely manner. Which violated Appellant's constitutional rights under the Fifth Amendment to the United States Constitution. Which clearly states;

"nor shall any person be deprived of life, liberty or property without due process at law." Where there is no valid crime, there is no valid criminal forfeiture.

CONCLUSION

For the foregoing reasons, Appellant Willie Hampton, Jr. respectfully requests that a Writ of Certiorari be issued to review the judgement of the United States Court of Appeals for the 9th Circuit, and review of the civil proceedings to determine if under the circumstances, when a person pleads guilty to a crime other than the charges contained in the indictment, does criminal forfeiture under Federal Rule 6 and 7(2) apply to criminal forfeiture.

Respectfully submitted,


Willie Hampton, Jr.
Appellant, Pro Se



JOSEPH P. RUSSONIELLO
United States Attorney

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	No, CR-
)	
v.	)	<u>VIOLATION:</u> Title 21,
	)	United States Code,
WILLIE HAMPTON	)	Section 841 (a) (1)
aka Blackie;	)	- Distribution of,
JAMES RAYFORD; AND	)	and Possession With
WILLIE DRUMMOND.	)	Intent To Distribute
	)	Cocaine; Title 21,
	)	United States Code,
	)	Section 846 -
	)	Conspiracy to
Defendants.	)	<u>Distribute Cocaine</u>
)	

I N D I C T M E N T

COUNT ONE: (Title 21, United States Code, Section 841 (a) (1))

The Grand Jury charges: T H A T

On or about April 23, 1986, in the State and
Northern District of California,

WILLIE HAMPTON,

aka Blackie;

JAMES RAYFORD; and

WILLIE DRUMMOND

defendants herein, knowingly and intentionally
distributed and did possess with the intent to



distribute approximately nine pounds of cocaine, a Schedule II controlled substance under Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841, (a) (1).

COUNT TWO: (Title 21, United States Code, Section 846)

The Grand Jury further charges: T H A T

Beginning at a time unknown to the Grand Jury and up to and including April 23, 1986, in the State and Northern District of California, and elsewhere,

WILLIE HAMPTON,

aka Blackie;

JAMES RAYFORD: and

WILLIE DRUMMOND

defendants herein, willfully and knowingly did combine, conspire, and agree with each other and with other persons whose names are both known and unknown to the Grand Jury, to distribute and to possess with intent to distribute cocaine, a Schedule II controlled substance under Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841 (a) (1), and in furtherance of that agreement and to obtain its ends.



All in violation of Title 21, United States Code,
Section 846.

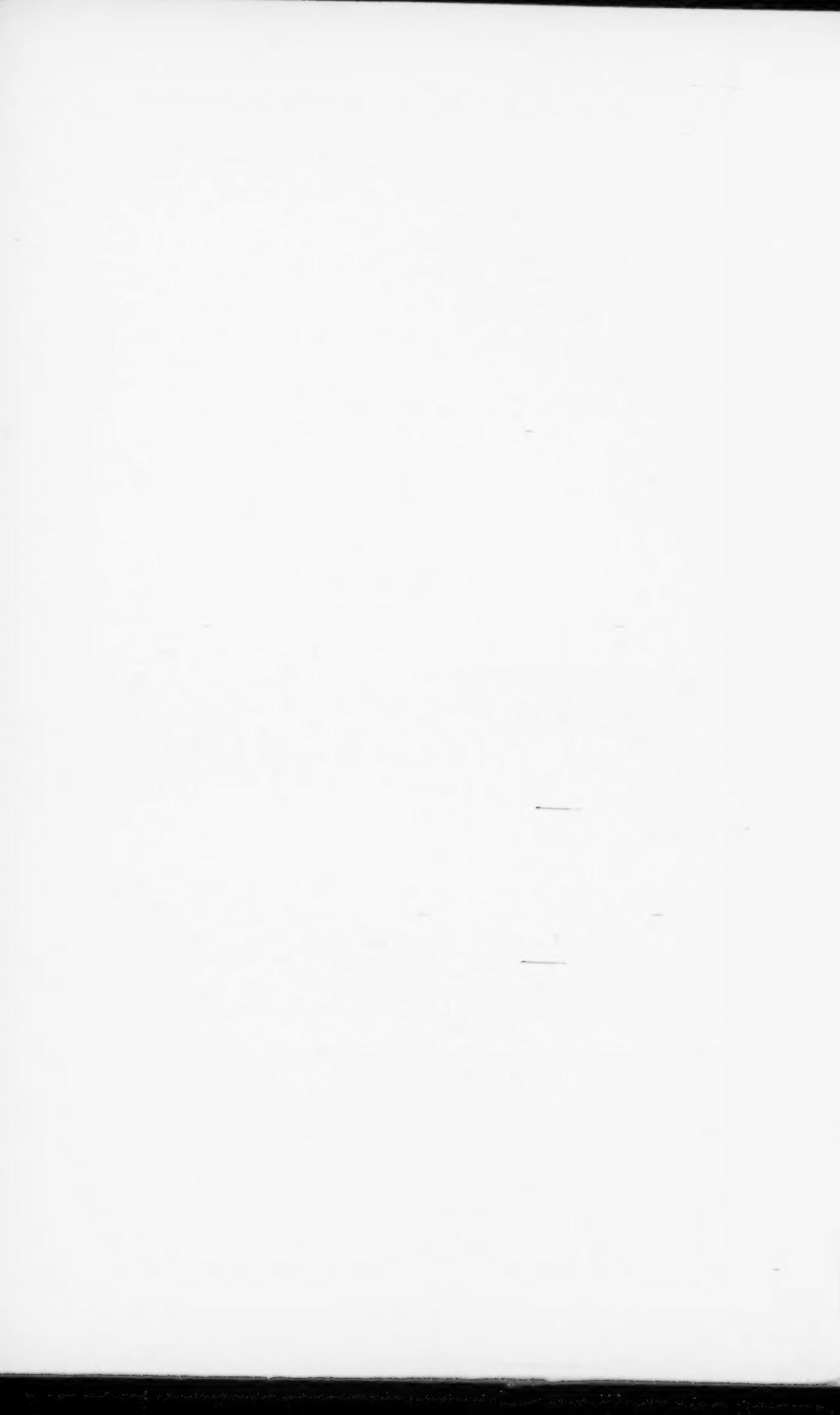
DATED: May 8, 1986

A TRUE BILL

FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney

(Approved as to form _____)
A USA NIESPOLO (556-0580)



JOSEPH P. RUSSONIELLO
United States Attorney

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-86-0444-RHS
)	
Plaintiff,	)	<u>VIOLATION:</u> Title 21,
	)	United States Codes,
	)	Section 841 (a) (1) -
v.	)	Distribution of, and
	)	Possession With Intent to
WILLIE HAMPTON,	)	Distribute Cocaine; Title
aka Blackie:	)	21, United States Code,
aka James M. Jones,	)	Section 846 - Conspiracy
aka Robert Burnett,	)	to Distribute Cocaine;
aka Howard Black,	)	Title 18, United States
aka Alvin Woleft;	)	Code, Appendix II,
JAMES RAYFORD; and	)	Section 1202 (a) (1) —
WILLIE DRUMMOND,	)	Felon In Possession of a
	)	<u>Firearm</u>
Defendants.)	
)	

S U P E R S E D I N G I N D I C T M E N T

COUNT ONE: (Title 21, United States Code, Section 841
(a) (1))

The Grand Jury charges: T H A T

On or about April 23, 1986, in the State and
Northern District of California,

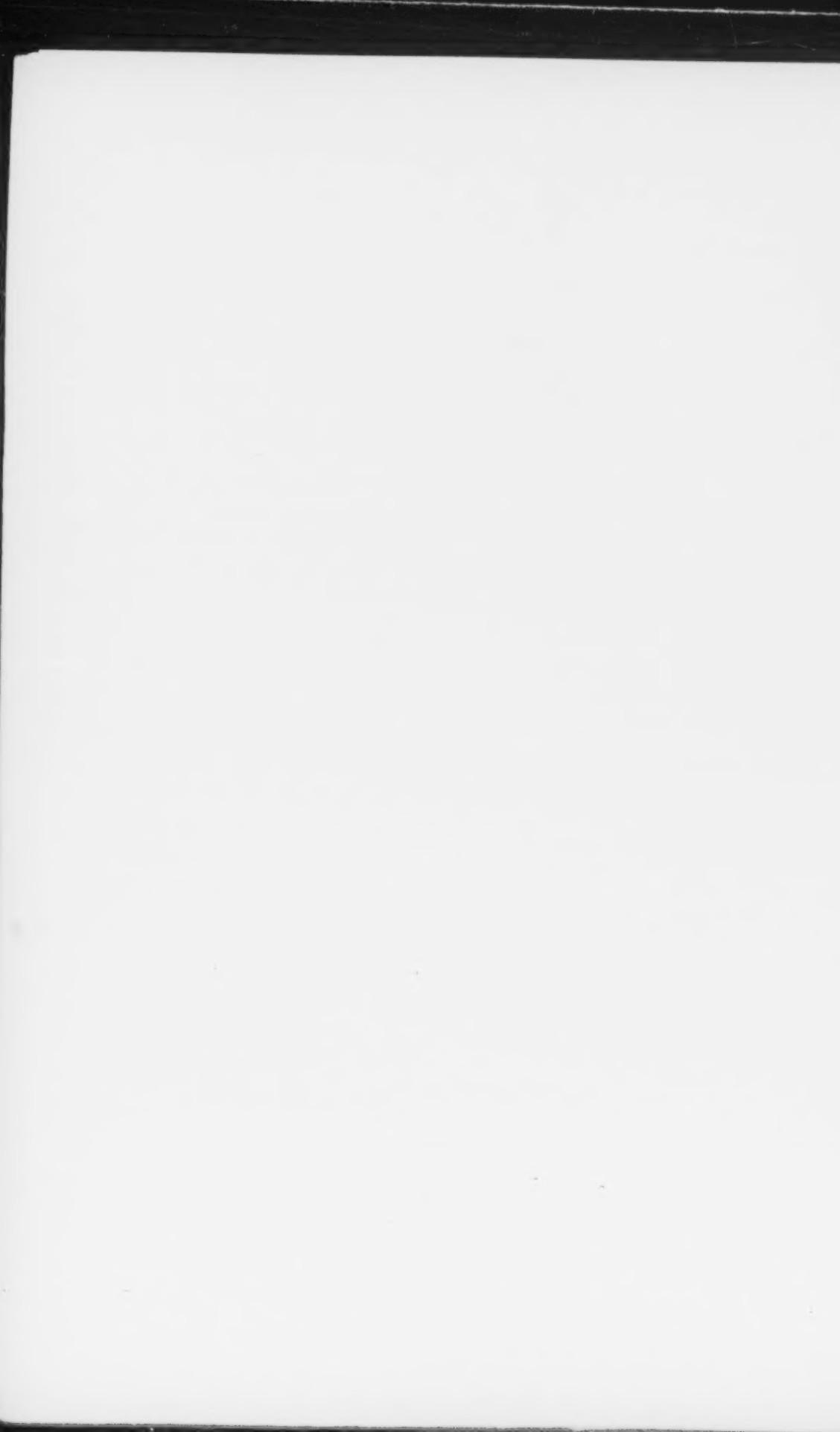
WILLIE HAMPTON,

aka Blackie,

aka Robert Burnett,

aka James M. Jones,

aka Howard Black, and



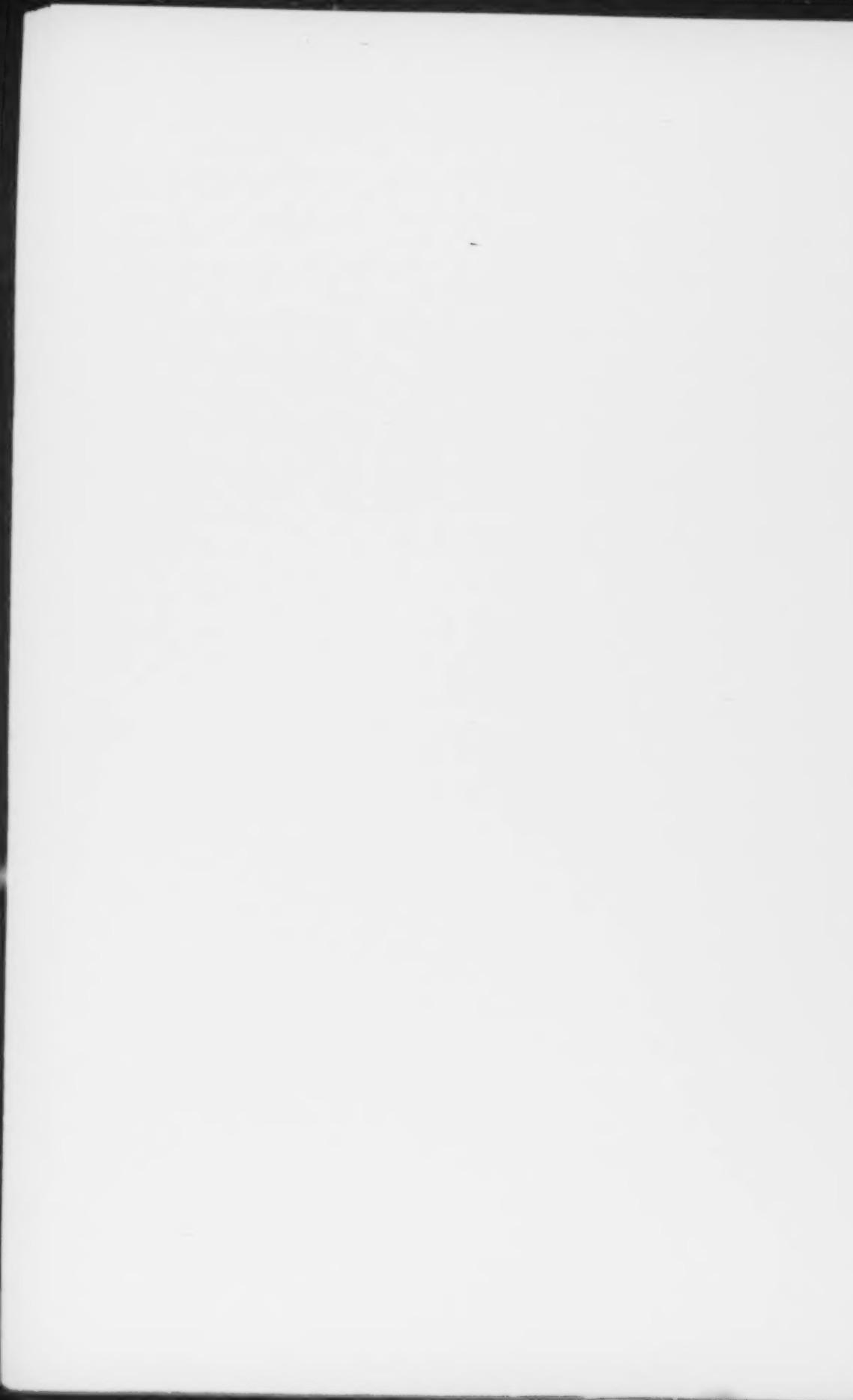
aka Alvin Woleft;

JAMES RAYFORD, AND

WILLIE DRUMMOND

defendants herein, did knowingly and intentionally possess with the intent to distribute approximately eight pounds of cocaine, a Schedule II controlled substance under Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841 (a) (1).

SUPERSEDING, INDICTMENT
(HAMPTON, et al.)



COUNT TWO: Title 21, United States Code, Section 846)

The Grand Jury further charges: T H A T

Beginning at a time unknown to the Grand jury
and up to and including April 23, 1986, in the State
and Northern District of California, and elsewhere,

WILLIE HAMPTON,

aka Blackie,

aka Robert Burnett,

aka James M. Jones,

aka Howard Black, and

aka Alvin Woleft,

JAMES RAYFORD, and

WILLIE DRUMMOND

defendants herein, willfully and knowingly did combine,
conspire, and agree with each other and with other
person whose names are both known and unknown to the
Grand Jury, to distribute and to possess with intent to
distribute cocaine, a Schedule II controlled substance
under Title 21, United States Code, Section 812, in
violation of Title 21, United States Code, Section 841
(a) (1), and in furtherance of that agreement and to
obtain its ends, did among other, the following overt
acts:

SUPERSIDING INDICTMENT
(HAMPTON, et. al.)



10. On or about April 23, 1986 cicaube was stored or kept in the house at 4027 Fullington, Oakland, California.

11. On or about April 23, 1986, cocaine was stored in or kept in the garage at 4027 Fullington, Oakland, California.

12. On or about April 23, 1986, defendant Willie Hampton kept narcotics packaging paraphernalia at 3825 High Street, #108, Oakland, California.

13. On or about April 23, 1987, defendant Willie Hampton kept approximately \$1,013 cash in his sock.

14. On or about April 23, 1986, defendant Willie Hampton kept approximately \$214,650.00 cash at 3825 High Street, #108, Oakland, California.

15. On or about April 23, 1986, defendant James Rayford possessed a Gencam beeper/pager.

16. On or about April 23, 1986, 4027 Fullington, Oakland, California was used to faciliate narcotics trafficking.

17. On or about April 23, 1986, firearms were kept at 4027 Fullington, Oakland, California and its garage.



18. On or about April 23, 1986, firearms were kept at 3825 High Street #108, Oakland, California.

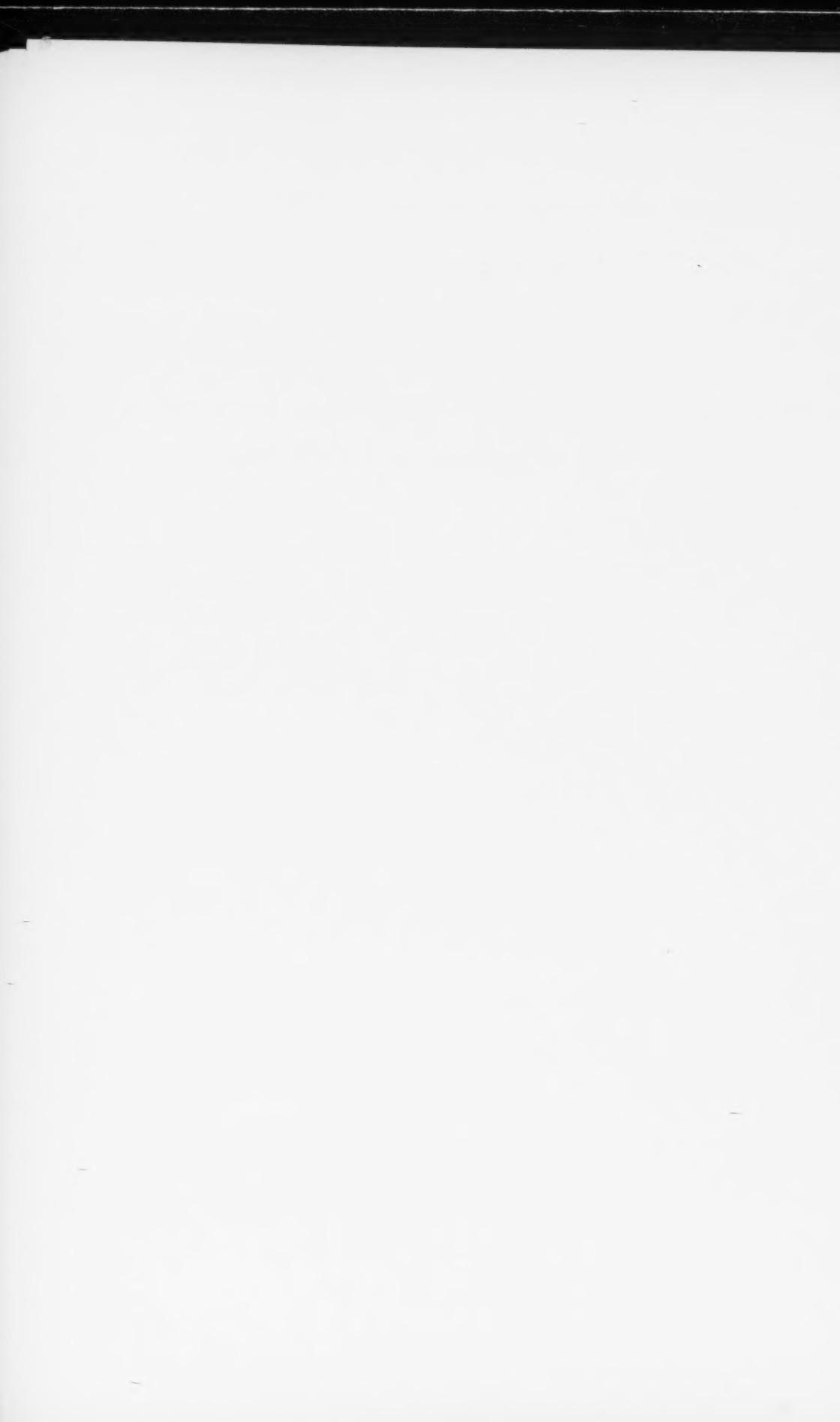
19. On or about April 23, 1986, defendant Willie Hampton attempted to conceal narcotics.

20. On or about April 23, 1986, defendant Willie Hampton possessed fake identification.

All in violation of Title 21, United States Code,
Section 846.

THE JOURNAL OF CLIMATE

SUPERSEDING INDICTMENT
(HAMPTON, et. al.)



COUNT THREE: (Title 18, United States Code, Appendix II, Section 1202 (a) (1))

The Grand Jury further charges: T H A T

On or about April 23, 1986, in the State and Northern District of California,

WILLIE HAMPTON

aka Blackie,

aka Robert Burnett,

aka James M. Jones,

aka Howard Black, and

aka Alvin Woleft,

defendant herein, having been convicted in the Superior Court for the State of California, County of Alameda, in 1985 of a felony, to wit, Grand Theft, a violation of California Penal Code, Section 487, and having been convicted in the Superior Court for the State of California, County of San Mateo in 1979 of a felony, to wit, Possession of Marijuana for Sale; in violation of California Health and Safety code, Section 11359, and having been convicted in the Superior Court for the State of California, County of San Mateo in 1980 of a felony, to wit, Insurance Fraud in violation of

SUPERSIDING INDICTMENT
(HAMPTON, et. al.)



California Insurance Code 556 (a); did knowingly possess the following firearms:

1. Titan, .25 caliber semi-automatic pistol, serial number 43094;
2. Colt, Lawman Mk. III .357 caliber revolver, serial number 117290;
3. M.A.B. BREVET, .32 caliber semi-automatic pistol, serial number 117290;
4. H. & R., .22 caliber magnum pistol, serial number AS40811;
5. Winchester 30-30 caliber rifle, Model 94, serial number 977739.



said firearms affected commerce; all in violation of
Title 18, Appendix II, United States Code, Section 1202
(a) (1)).

DATED: June 12, 1986

A TRUE BILL

FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney

(Approved as to Form _____)
AUSA NIESPOLO (556-0580)

SUPERSEDING INDICTMENT
(HAMPTON, et al.)